

109TH CONGRESS
1ST SESSION

S. 193

To increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2005

Mr. BROWNBACK (for himself, Mr. GRAHAM, Mr. ALLEN, Mr. LIEBERMAN, Mr. DEMINT, Mr. SANTORUM, Mr. HAGEL, Mr. MCCAIN, Mr. SESSIONS, Mrs. DOLE, Mr. INHOFE, Mr. ENZI, Mr. THUNE, Mr. LOTT, Mr. KYL, Mr. MARTINEZ, Mr. GRASSLEY, Mr. PRYOR, Mr. ROBERTS, Mr. ENSIGN, Mrs. LINCOLN, and Mr. THOMAS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Broadcast Decency
5 Enforcement Act of 2005”.

1 **SEC. 2. INCREASE IN PENALTIES FOR OBSCENE, INDECENT,**
 2 **AND PROFANE BROADCASTS.**

3 Section 503(b)(2) of the Communications Act of
 4 1934 (47 U.S.C. 503(b)(2)) is amended—

5 (1) by redesignating subparagraphs (C) and
 6 (D) as subparagraphs (D) and (E), respectively;

7 (2) by inserting after subparagraph (B) the fol-
 8 lowing new subparagraph:

9 “(C) Notwithstanding subparagraph (A), if the viola-
 10 tor is—

11 “(i)(I) a broadcast station licensee or permittee;
 12 or

13 “(II) an applicant for any broadcast license,
 14 permit, certificate, or other instrument or authoriza-
 15 tion issued by the Commission; and

16 “(ii) determined by the Commission under
 17 paragraph (1) to have broadcast obscene, indecent,
 18 or profane language, the amount of any forfeiture
 19 penalty determined under this subsection shall not
 20 exceed \$325,000 for each violation or each day of a
 21 continuing violation, except that the amount as-
 22 sessed for any continuing violation shall not exceed
 23 a total of \$3,000,000 for any single act or failure to
 24 act.”; and

- 1 (3) in subparagraph (D), as redesignated by
- 2 paragraph (1), by striking “subparagraph (A) or
- 3 (B)” and inserting “subparagraph (A), (B), or (C)”.

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